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Review of Missbach, A. (2022) The criminalisation of people smuggling in Indonesia and Australia: Asylum out of reach

Dewansyah, B.

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Missbach Antje (2022), *The criminalisation of people smuggling in Indonesia and Australia: asylum out of reach*. Oxon & New York: Routledge. 213 pp. ISBN: 978-1-032-07477-1 (hbk), 978-1-032-07849-6 (pbk), 978-1-003-21179-2 (ebk). Hardback: £ 130, eBook: £ 35.

The criminalisation of people smuggling is the first comprehensive analysis of the smuggling of transit migrants from Indonesia to Australia and shows how this activity influences the relationship of the two countries. Those who follow Antje Missbach's works will be familiar with her previous book *Troubled Transit* (2015), which analysed the conditions of asylum seekers and refugees "stuck" in transit in Indonesia. The reviewed book shifts the focus from "recipients" of smuggling services to the "facilitators" of such services. The main question is the following: "Who are the people who organise and facilitate unsanctioned maritime passages from Indonesia?" (p. 22). In answering that question, Missbach details the roles of multiple actors who facilitate the "unsanctioned journey" across the sea of asylum seekers and refugees from Indonesia to Australia; she also discusses the development of anti-smuggling strategies in the two countries as well as the enforcement and consequences for facilitators and migrants, who are seeking asylum. Written in a readable narrative style supported by rich empirical data, this book is essential reading for all those who want to understand the complex nature of refugee issues in both countries.

The book starts with a vignette about Abraham Louhenapessy or Captain Bram, an Indonesian boat captain, who repeatedly facilitated human smuggling. Chapter 1 discusses how anti-human smuggling strategies are debated in terms of effectiveness and moral standing. It shows why the facilitation of unsanctioned maritime journeys continues even though some perpetrators have been convicted (as in the case of Captain Bram). The main findings of the book are presented in Chapters 3 and 4; Chapter 3 reveals in detail the characteristics of smuggling networks in Indonesia, paying particular attention to the actors and their different roles (organiser, middlemen, informer and operational staff). Chapter 4 discusses the criminalisation of people smuggling in Indonesian law as well as the punishment of offenders, based on 143 court decisions, interview data



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and field observations. The other three chapters focus on Australia. Chapter 2 examines the history of anti-people smuggling measures in Australia. It also shows how the debate has been influenced by the discourses of racism and xenophobia. Chapters 5 and 6 discuss how Australia's anti-smuggling campaign strategies in Indonesia have failed to reduce unauthorised passage, to the extent that Australia has had to rely on a "push-back" policy since 2013 to actually stop boats from entering Australia. Finally, in Chapter 7, Missbach concludes and shows how the failure of the anti-people smuggling campaign has made the unsanctioned maritime journey even more dangerous and how seeking asylum has become extremely difficult for those stuck in transit countries such as Indonesia.


The main strength of this book is the author's analytical framework, which allows Missbach to identify the actors and their roles in unsanctioned passages as well as the infrastructure. Instead of using concepts such as "the migration industry" or "transnational crime" (which still is the dominant lens in scholarly works), Missbach refutes generalist conceptualisations of the phenomenon. For instance, Missbach highlights the flexibility of smuggling networks in Indonesia and shows that organisers can easily replace field actors such as boat crews or even recruiters, if they are caught by the authorities (p. 79). This contradicts the widely held belief among policymakers and courts that the network is hierarchical and fully controlled by the mastermind, as similar to a drug trafficking network with high profits for all actors (pp. 17–18, 60).

What also makes this book compelling is the author's premise of migrant-crossing facilitation. The first is that this phenomenon is a response to flawed migration and asylum policies that globally restrict freedom of movement (p. 7). Second, in contrast to the state's assumption that migrants are passive victims, using human smuggling services is a conscious decision made by migrants (pp. 7–8). Third, according to historical accounts, unsanctioned passage facilitators have been regarded as heroes or saviours of refugees fleeing persecution, such as during the Holocaust. Some research shows that facilitators have moral, religious, or other motivations aside from profit (pp. 12–13, 68–69, 76). These three premises are not new. What makes them valuable is that Missbach weaves them into an integrated theoretical framework of analysis. They also reflect the author's standing that the facilitation of unauthorised migrants crossing is legitimate. This scholarly stance is rarely taken because the majority of academic works view this activity through a business-oriented framework or a criminality lens, ignoring its relationship with the weaknesses of the global refugee protection regime or the moral motivation behind it.

Moreover, the author's theoretical position does not necessarily blindly lead her to favour facilitators, but allows her to perceive exploitation or mistreatment of clients (p. 15). However, the book suggests that not all facilitators have bad intentions and that, to some extent, they are the rescuers. As a result, blaming the deadly humanitarian tragedies that occur at sea solely on them would be inaccurate and unfair, downplaying the role of the state that drives this practice (pp. 4–5). Even by focusing on the micro-level of how smuggling operations are carried out, the author reveals that exploitation occurs among facilitators, particularly operational staff, such as boat crews, who do not receive the money as promised or do not receive anything at all when the operation fails (pp. 78–


79). Moreover, by reconstructing the scandal involving the Australian Border Force paying the crew of the *Andika* boat to bring back the dozens of asylum seekers it was carrying, Missbach is able to conceptualise from practise where the state can be the “bad guy” as the actual smuggler (pp. 149–155).

The one thing I found lacking in this book is a reference to a recent development of migrant smuggling in Indonesia following several years of Australia’s 2013 pushback policy. Presently, the majority of refugees, who enter Indonesia, are Rohingya from Myanmar, who go to Malaysia as a destination country instead of to Australia, thus shifting the dominant pattern of south–north to south–south migration. The influx of these refugees into Indonesia, particularly through Aceh, the country’s westernmost province, is also linked to the role of facilitators in their maritime journey. But this is only a minor point. The findings in this book, such as the flexible network thesis and the unequal distribution of profit and risk among the facilitators, are extremely relevant to recent developments in the facilitation of undocumented migration in Indonesia. Because of its unique perspective, this book can be a useful reflection for states such as Australia and Indonesia and might serve as an incentive to humanise their measures towards migrants. It is also a call for migration scholars to pay more attention to the human consequences of each specific measure imposed by states around the world through micro-level empirical work.

Bilal Dewansyah 

Leiden University’s Law School, the Netherlands
Universitas Padjadjaran’s Law School, Indonesia

ORCID iD

Bilal Dewansyah  <https://orcid.org/0000-0002-4509-4827>